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HUMAN RIGHTS COMMITTEE

Sixty-third session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)* OF THE 1697th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 30 July 1998, at 11.30 a.m.

Chairperson: Ms. CHANET

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* The summary record of the first part (closed) of the meeting appears as document CCPR/C/SR.1697.

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GE.98-17333 (E)

The public part of the meeting was called to order at 11.30 a.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

Report of the working group on reservations

1. The CHAIRPERSON invited Mr. Pocar, Chairman of the working group on reservations, to present the working group's report.

2. Mr. POCAR said that the working group, composed of Mr. Klein, Ms. Evatt, Lord Colville, Mr. Buergenthal, Mr. Ando, Mr. Yalden, Mr. Scheinin and himself, had considered two issues: that of the implications of the reservation to article 1 of the Optional Protocol entered by Trinidad and Tobago upon its reaccession to the Optional Protocol and that of the International Law Commission's Preliminary Conclusions on reservations to normative multilateral treaties including human rights treaties.

3. After a thorough discussion, the members of the working group had reached the conclusion that it would not be wise for the Committee to adopt any position on the first issue for the time being. It was not the Committee's practice to express views on reservations to the Covenant or the Optional Protocol at the time they were entered by a State party but to consider their implications within the framework of its normal proceedings in connection with the consideration of the State party's report or of communications concerning it under the Optional Protocol. Accordingly, the working group recommended that the Committee should not react to Trinidad and Tobago's denunciation and reaccession.

4. With respect to the second issue, the working group had received a copy of Mr. Pellet's third report on the topic to the International Law Commission but had been unable to study it in detail because of its length and because it was partly in English and partly in French. The working group therefore recommended that no action should be taken on the issue at the current session, but that the Committee should give it careful consideration at its next session in October 1998.

5. The members of the working group would transmit their views to the Chairman of the group by the end of September so as to enable him to draft a document for consideration by the Committee in October. In making that recommendation, the working group had noted that Mr. Pellet was scheduled to prepare at least three further reports on the topic, and also that the Committee was the only human rights treaty body that had so far responded to the International Law Commission's request for comments.

6. The CHAIRPERSON said she took it that the Committee wished to accept the working group's recommendations.

7. It was so decided.

8. The CHAIRPERSON, replying to a question by Ms. EVATT, Rapporteur, said that the decision just taken not to adopt any position on the Trinidad and Tobago issue did not mean that the matter should not be mentioned in the report of the Committee on its sixty-third session.

9. Replying to Mr. BUERGENTHAL, she said that a meeting of the working group chaired by Mr. Pocar would be held during the first week of the October session.

Working Group on Communications and Working Group on article 40

10. Mr. de ZAYAS (Secretary of the Committee) said that the following members of the Committee had volunteered to attend the meetings of the Working Group on Communications and the Working Group on article 40 to be held from 12 to 16 October 1998: Mr. Bhagwati, Lord Colville, Mr. El Shafei and Mr. Prado Vallejo. Mr. Pocar would be able to attend for, at most, two days and Mr. Zakhia would attend if the dates did not clash with those of the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO). It was thus a very small group with a huge volume of work to tackle.

11. The CHAIRPERSON said that there were not sufficient volunteers to form a quorum.

12. Ms. MEDINA QUIROGA, Mr. SCHEININ and Ms. EVATT said that, although they could not attend, they would be willing to take on some of the pre-sessional work, for instance on communications.

13. Mr. BHAGWATI suggested that the draft Views on communications should be circulated to all the members of the Committee so that suggestions could be forwarded to the various rapporteurs some weeks before the October 1998 session.

14. The CHAIRPERSON observed that a similar procedure could be followed for the lists of issues.

15. Mr. SCHEININ said that Mr. Kretzmer had been unable to attend the pre-sessional meeting of the Working Group for the current session but had nevertheless supervised the development of the draft Views on certain communications, a procedure that had worked very well.

16. Mr. KLEIN said that the Working Group had prepared some 20 sets of draft Views prior to the current session but the Committee had dealt with only 5. There was, consequently, a considerable backlog of cases for the next session. It made little sense to prepare draft Views and then defer them indefinitely.

17. The CHAIRPERSON said that, if Mr. Bhagwati's proposal was implemented and the Working Group continued to meet during the first week of the session, the lack of a quorum for the pre-sessional meetings might not be a major problem, especially if a large number of draft Views had already been prepared.

State party reports to be considered by the Committee at its sixty-fourth and sixty-fifth sessions

18. The CHAIRPERSON, referring to a decision by the Committee at its previous session, suggested that the reports of the following States parties should be considered at the sixty-fourth session: Armenia, Austria, Belgium, Iceland, Japan and Libyan Arab Jamahiriya, with Chile and Cameroon on the reserve list.

19. Mr. KRETZMER said that the scheduling of six State party reports meant that the time for dealing with the backlog of communications and any new cases would again be very limited. He thus proposed that only five reports should be considered.

20. At least two months before a State party's report was due to be considered, the Committee should ascertain from the Secretariat whether that report would be available in time in all the working languages. If it would not, the Chairperson should have discretionary authority to omit that State party from the list or to replace it by another one.

21. The Committee's officers had suggested at its sixtieth session that parties whose reports were long overdue should be informed that a date had been set for a dialogue even in the absence of a report. It had never been explained, however, how initially one State party and subsequently two had been singled out when a large number of initial reports were overdue. The first, Israel, had submitted a report which had been considered at the current session although it had been available only in English. The second, Cambodia, had also submitted a report but it had not even been placed on the list for the next session although its initial report had been due in the same year as Israel, namely 1993.

22. He also failed to understand why the policy of pressurizing States parties to submit overdue reports was confined to those submitting initial reports. Certain periodic reports had been overdue for more than a decade.

23. The CHAIRPERSON said that the initial report of Cambodia was on the provisional list for the sixty-fifth session.

24. The officers fully intended to continue reviewing the situation of States parties whose initial or periodic reports were long overdue. They had decided, however, that the Committee as a whole should decide in future which States parties to target.

25. Ms. EVATT said she noted that the reports scheduled for the sixty-fourth session included the third periodic report of the Libyan Arab Jamahiriya and the fourth periodic report of Japan. In terms of the dates on which the reports fell due, she considered that higher priority should be given to the reports of Poland and Romania.

26. Mr. BUERGENTHAL supported the proposal that the reports of only five States parties should be considered at the sixty-fourth session so as to leave more time for communications.

27. He also considered that the Cambodian report should be given precedence in view of the recent developments in that country.

28. Mr. KLEIN said he thought that the Committee should adopt a general policy of not dealing with more than five State party reports at a single session. He would be favour of inaugurating such a policy at the next session or, if that was not possible, at the sixty-fifth session.

29. Mr. BHAGWATI suggested that Cambodia should be included in the list for the sixty-fourth session and Japan omitted.

30. Mr. SCHEININ said he shared the concern expressed by other members about the scant time available for dealing with communications but the solution was not to reduce the number of reports considered from six to five. There were other ways of shortening the time spent on reports, for example by reducing the number of sub-issues in the lists of issues, a policy which would, in its turn, reduce the time spent on the concluding observations.

31. He was in favour of maintaining the list of State party reports read out by the Chairperson and scheduling the report of Cambodia for consideration at the sixty-fifth session.

32. Mr. ANDO said he shared Mr. Scheinin's view on the report of Cambodia. The Committee had been aware of events in that State party when it had discussed the scheduling of reports at its previous session. Moreover, when States parties expected their reports to be dealt with at a particular session, it was unwise to change the schedule unless there was some urgent reason for doing so.

33. Ms. MEDINA QUIROGA suggested that, if a State party failed to appear, it should not be replaced and that the two States parties on the reserve list should be dropped.

34. It was so decided.

35. The CHAIRPERSON said she took it that the Committee wished to adopt the suggested list of State party reports for consideration at its sixty-fourth session.

36. It was so decided.

37. The CHAIRPERSON read out the proposed list of State party reports for consideration by the Committee at its sixty-fifth session: Cambodia, Cameroon, Canada, Chile, and Costa Rica, with Mexico and the Republic of Korea on the reserve list. The officers had made no formal suggestion regarding Lesotho, which could, perhaps, be added as a sixth State party.

38. Ms. EVATT said she thought that the initial report of Lesotho should be given priority.

39. Ms. MEDINA QUIROGA recalled that there had been some discussion as to whether or not Lesotho ought to be asked to introduce its report. She suggested that it be placed sixth in the list so that, in the event that its delegation did not appear, the Committee would have only five reports to deal with.

40. Mr. ANDO pointed out that there had been less time than usual to deal with State party reports at the current session because of the need to discuss and adopt the Committee's annual report. If fewer than six reports were dealt with at each session, the backlog would continue to grow, and there would be less time to deal with communications. He was opposed to limiting the number of the reports considered to five: the Committee should be left some degree of flexibility.

41. Mr. YALDEN said he agreed that it was vital to deal with more communications. It was unfortunate that so few of them had been disposed of at the current session, and that many would have to be taken up again subsequently, a very wasteful way of using time and resources.

42. It was not simply a question of the number of reports dealt with, but rather of whether the situation of the States parties concerned presented particular problems: at the current session, for instance, four meetings had had to be devoted to the report of Algeria.

43. Mr. PRADO VALLEJO said the Committee's experience over the years had shown that there was a need to strike a balance between reports and communications: both were equally important, and consideration of them could not be suspended if backlogs were to be avoided. On one occasion in the past, the Committee's session had been extended so that a full week could be devoted to communications. That was a solution that could, perhaps, be adopted in the future. The Committee ought to deal with at least six reports at each session, and members should be more disciplined in putting their questions to delegations so as to save time.

44. The CHAIRPERSON said she took it that the Committee was able to accept the officers' proposal that the reports of Chile, Cameroon, Cambodia, Canada, Costa Rica and Lesotho could be taken up at the Committee's sixty-fifth session in New York in 1999, with the Republic of Korea and Mexico held in reserve.

45. It was so decided.

46. Mr. KLEIN said that, while he would not oppose that decision, he wished to state that he deplored it, because he considered that it was too much for the Committee to have to deal with six reports per session.

Dates for the submission of the next periodic reports by States parties whose reports have been considered at the sixty-third session

47. The CHAIRPERSON read out the dates proposed by the officers for the submission of reports by the States parties concerned.

48. Ms. EVATT said that, when fixing those dates, the Committee should not simultaneously fix the dates when subsequent reports would become due, in order to avoid confusion when earlier reports had to be deferred.

49. Mr. SCHEININ said that the setting of dates was problematical, in view of the fact that no requirement for a five-year periodicity was stipulated in the Covenant, and the Committee's guidelines, which had contained provisions on the matter, had been abolished. He thought it unwise to ask for follow-up reports too soon after the current ones had been considered: on average, the interval should be four years. In the cases of Algeria and Israel, reports could be requested earlier because of the considerable delays in submitting the ones just considered.

50. Mr. KLEIN supported that view. The Committee was complaining of backlogs, but was at the same time helping to create them by its own actions. Despite the fact that Italy had updated its report to 1998, the Committee was asking for a second one by the year 2000, which made no sense at all.

51. After some further discussion, the CHAIRPERSON proposed the following timetable: third periodic report of Algeria, June 2000; fourth periodic report of Ecuador, June 2001; second periodic report of Israel, June 2000; fifth periodic report of Italy, June 2003; second report of the former Yugoslav Republic of Macedonia, June 2001; and fourth periodic report of the United Republic of Tanzania, June 2001.

52. It was so decided.

The public part of the meeting rose at 12.50 p.m.